

# SUPREME COURT OF THE UNITED STATES

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OCTOBER TERM, 1941

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No. 112

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C. L. WILLIAMS, Individually and  
as duly appointed and authorized  
agent and representative for  
HERBERT AIKEN, et al.,

*Petitioner*

vs.

JACKSONVILLE TERMINAL COMPANY,  
a corporation,

*Respondent*

## BRIEF OF RESPONDENT IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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**BRIEF OF RESPONDENT IN OPPOSITION TO  
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**STATEMENT.**

Action instituted in the District Court of the United States for the Southern District of Florida by C. L. Williams, individually and as duly appointed and authorized agent and representative for Herbert Aiken, and others, against Jacksonville Terminal Company to recover unpaid wages and liquidated damages under Fair Labor Standards Act of 1938 ss 1-19 and 16(b), 29 U. S. C. A. ss 201-219, 216 (b).

No Statute except the Fair Labor Standards Act is cited or reference made in the pleadings.

A summary judgment was entered for the Defendant (R. 195); 35 Fed. Supp. 267. This judgment was affirmed March 4th, 1941, by the Circuit Court of Appeals, Fifth Circuit, (R. 214); 118 Fed. 2d 324.

On the same day the Circuit Court of Appeals, Fifth Circuit, reversed a judgment in favor of the Plaintiff in Union Terminal Company, Appellant, v. A. J. Pickett, etc., et al., Appellee; 118 Fed. 2d 328.

In the Picket case the Court said:

"This case is similar to Williams v. Jacksonville Terminal Company, 5 Cir., 118 F. 2d 324, this day decided, except that on a trial without a jury the district court reached an opposite conclusion and rendered a large judgment for wages and damages against Union Terminal Company. The facts are about the same and need not be restated. The applicable law is the same and requires a like decision.\*\*\*

"Nothing specially urged in this case differentiates it from that of Jacksonville Terminal Company. The judgment is reversed and the case is remanded for further consistent proceedings."

Petition for Certiorari was filed and denied June 2nd, 1941. Supreme Court of the United States, October Term, 1940. No. 1023: A. J. Pickett, etc., et al., v. Union Terminal Company, 313 U. S. ...., 85-Law Ed. 1003.

It does not appear from the Petition for Writ of Certiorari filed on behalf of C. L. Williams, in-

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dividually, etc., et al., that there are special and important reasons therefor.

The Petition should be denied.

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*Counsel for Respondent.*

RECEIVED a copy of the above  
Brief this ..... day of July,  
A. D. 1941, and service accepted.

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